

By Ellis

5 B. No. 240

A BILL TO BE ENTITLED

AN ACT

relating to hearing screening for newborn children.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 2, Health and Safety Code, is amended by adding Chapter 34 to read as follows:

CHAPTER 34. HEARING IMPAIRMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 34.001. DEFINITIONS. In this chapter:

(1) "Hearing impairment" means an abnormality of functioning related to hearing.

(2) "Screening test" means a rapid procedure to determine the need for further diagnostic evaluation.

[Sections 34.002-34.010 reserved for expansion]

SUBCHAPTER B. NEWBORN SCREENING

Sec. 34.011. TEST REQUIREMENT. (a) The physician attending a newborn child or the person attending the delivery of a newborn child that is not attended by a physician shall ensure that the child is subjected to a screening test approved by the department for hearing impairments before the child is 181 days old.

(b) The board by rule shall prescribe the screening test procedures to be used and the standards of accuracy and precision required for each test.

Sec. 34.012. EXEMPTION. (a) A screening test may not be administered to a newborn child whose parent, managing conservator,

1 or guardian objects on the ground that the administration of the
2 test conflicts with the religious tenets or practices of an
3 organized church of which the person is an adherent.

4 (b) If a parent, managing conservator, or guardian objects
5 to the screening test, the physician or the person attending the
6 newborn child that is not attended by a physician shall ensure that
7 the objection of the parent, managing conservator, or guardian is
8 entered into the medical record of the child. The parent, managing
9 conservator, or guardian shall sign the entry.

10 Sec. 34.013. LIMITATION ON LIABILITY. A physician,
11 technician, or other person administering a screening test required
12 by this chapter is not liable or responsible because of the failure
13 or refusal of a parent, managing conservator, or guardian to
14 consent to the test.

15 SECTION 2. Section 36.004, Health and Safety Code, is
16 amended by adding Subsection (i) to read as follows:

17 (i) A hearing screening performed under this section is in
18 addition to any hearing screening test performed under Chapter 34.

19 SECTION 3. Section 32.024, Human Resources Code, is amended
20 by adding Subsection (v) to read as follows:

21 (v) The department by rule shall provide a screening test
22 for hearing impairments as required by Texas Board of Health rule
23 under Chapter 34, Health and Safety Code, to a child younger than
24 181 days old who receives medical assistance.

25 SECTION 4. Article 21.53F, Insurance Code, as added by
26 Chapter 683, Acts of the 75th Legislature, Regular Session, 1997,
27 is amended by amending Sections 3 and 4 and adding Sections 5 and 6

1 to read as follows:

2 Sec. 3. REQUIRED BENEFIT FOR CHILDHOOD IMMUNIZATIONS. [~~a~~]

3 A health benefit plan that provides benefits for a family member of
4 the insured shall provide coverage for each covered child described
5 by Section 5 of this article [~~Subsection-(b)-of-this-section~~], from
6 birth through the date the child is six years of age, for:

7 (1) immunization against:

8 (A) diphtheria;

9 (B) haemophilus influenzae type b;

10 (C) hepatitis B;

11 (D) measles;

12 (E) mumps;

13 (F) pertussis;

14 (G) polio;

15 (H) rubella;

16 (I) tetanus; and

17 (J) varicella; and

18 (2) any other immunization that is required by law for
19 the child.

20 Sec. 4. REQUIRED BENEFITS FOR SCREENING TEST FOR HEARING
21 IMPAIRMENT. (a) A health benefit plan that provides benefits for
22 a family member of the insured shall provide coverage for each
23 covered child described by Section 5 of this article, from birth
24 through the date the child is 180 days old, for a screening test
25 for hearing impairments as required by Texas Board of Health rule
26 under Chapter 34, Health and Safety Code.

27 (b) The commissioner may adopt rules to implement the

1 requirement of this section.

2 Sec. 5. COVERED CHILDREN. [(b)] A child is entitled to
3 benefits under this article [section] if the child, as a result of
4 the child's relationship to an enrollee in the health benefit
5 plan, would be entitled to benefits under an accident and sickness
6 insurance policy under Subsection (K), (L), or (M), Section 2,
7 Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2,
8 Vernon's Texas Insurance Code).

9 Sec. 6 [4]. FIRST DOLLAR COVERAGE REQUIRED. (a) Benefits
10 required under Sections [Section] 3 and 4 of this article may not
11 be made subject to a deductible, copayment, or coinsurance
12 requirement.

13 (b) Subsection (a) of this section does not prohibit the
14 application of a deductible, copayment, or coinsurance requirement
15 to another service provided at the same time as the immunization or
16 hearing screening.

17 SECTION 5. Article 21.53F, Insurance Code, as added by
18 Chapter 683, Acts of the 75th Legislature, Regular Session, 1997,
19 is redesignated as Article 21.53J and the heading of that article
20 is amended to read as follows:

21 Art. 21.53J [21.53F]. COVERAGE FOR CERTAIN BENEFITS FOR
22 CHILDREN [CHILDHOOD-IMMUNIZATIONS]

23 SECTION 6. (a) This Act takes effect September 1, 1999.

24 (b) A physician or other person attending the birth of a
25 newborn child is not required to comply with Section 34.011, Health
26 and Safety Code, as added by this Act, before September 1, 2000.

27 SECTION 7. The Texas Board of Health shall adopt the rules

1 required by Section 34.011, Health and Safety Code, as added by
2 this Act, not later than August 31, 2000.

3 SECTION 8. (a) Except as provided by Subsection (b) of this
4 section, not later than August 31, 2000, the Health and Human
5 Services Commission and each appropriate health and human services
6 agency that operates part of the state medical assistance program
7 under Chapter 32, Human Resources Code, shall adopt the rules
8 required by Section 32.024(v), Human Resources Code, as added by
9 this Act.

10 (b) If, before implementing Section 32.024(v), Human
11 Resources Code, as added by this Act, the Health and Human Services
12 Commission determines that a waiver or authorization from a federal
13 agency is necessary for implementation, the commission shall
14 request the waiver or authorization and may delay implementing that
15 provision until the waiver or authorization is granted.

16 SECTION 9. The change in law made by Section 4 of this Act
17 applies only to a health benefit plan that is delivered, issued for
18 delivery, or renewed on or after January 1, 2000. A health benefit
19 plan that is delivered, issued for delivery, or renewed before
20 January 1, 2000, is governed by the law as it existed immediately
21 before the effective date of this Act, and that law is continued in
22 effect for that purpose.

23 SECTION 10. The importance of this legislation and the
24 crowded condition of the calendars in both houses create an
25 emergency and an imperative public necessity that the
26 constitutional rule requiring bills to be read on three several
27 days in each house be suspended, and this rule is hereby suspended.

S.B. No. 240

By _____

Robert E. Allen

AN ACT:

A BILL TO BE ENTITLED

Relating to hearing screening for newborn children.

1-22-99

Filed with the Secretary of the Senate

JAN 28 1999

Read and referred to Committee on HEALTH SERVICES

Reported favorably _____

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by: { unanimous consent
_____ yeas, _____ nays

Read second time, _____, and ordered engrossed by: { unanimous consent
a viva voce vote
_____ yeas, _____ nays

Senate and Constitutional 3 Day Rule suspended by a vote of _____ yeas, _____ nays.

Read third time, _____, and passed by: { A viva voce vote
_____ yeas, _____ nays

SECRETARY OF THE SENATE

OTHER ACTION:

Engrossed

Sent to House

Engrossing Clerk _____

Received from the Senate

Read first time and referred to Committee on _____

Reported _____ favorably (as amended) (as substituted)

Sent to Committee on (Calendars) (Local & Consent Calendars)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

Returned to Senate.

Returned from House without amendment.

Returned from House with _____ amendments.

Concurred in House amendments by a viva voce vote _____ yeas, _____ nays.

CHIEF CLERK OF THE HOUSE

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays